

FINAL REPORT FOR THE NEVADA DEPARTMENT OF CORRECTIONS

The Corrections Support and Accountability Project

MARCH 2011

Introduction

The Corrections Support and Accountability Project of the Vera Institute of Justice is pleased to provide this final report to the Nevada Department of Corrections (NDOC). Over the past two years, Vera partnered with five jurisdictions—two states and three counties—to help each partner jurisdiction develop meaningful oversight of its prisons or jails, specifically tailored to its needs. In the first phase of the project, we investigated the mechanisms of correctional accountability and transparency already in place. This process included visits to correctional facilities, numerous interviews, and research in national best practices to determine the most pressing oversight needs of each jurisdiction's correctional system. We memorialized this work in reports for each of our partner jurisdictions, in which we analyzed the systems of existing oversight and made recommendations for improving and/or augmenting these systems. In July 2010, Vera presented the Status Report to NDOC administrators and discussed the recommendations; in follow-up calls since, we worked to determine the department's priorities.

In September of 2010, Vera presented NDOC with an Action Plan that laid out the necessary steps to reaching each of our initial recommendations. Since that time, NDOC has taken steps to implement many of Vera's recommendations. In this final document, we summarize the recommendations that NDOC already has implemented, or has made significant progress in implementing, as well as those still under consideration. Vera confirmed NDOC's progress by conducting additional interviews and reviewing documentation provided by NDOC. For recommendations that require additional steps to complete, or whose implementation necessitates additional considerations, we suggest specific action items that we believe will help NDOC complete the process. These items appear in the main body of the report, as well as in an appendix at the end of this document, gathering all information on implementation in one place.

We believe the adoption of these recommendations will enable the state to better evaluate the use of resources to support the department, identify inefficiencies, manage risk, measure the success and failures of programs and policies in order to guide future decision-making, build public confidence and public interest in the department, and promote good governance and professionalism. Furthermore, we recognize that NDOC assumed this work voluntarily and in good faith. As a result of this work, we believe that NDOC is positioned to serve as an example to other jurisdictions that would like to improve the accountability and transparency practices of their prisons.

This final document recounts NDOC's progress at this point, but should not be considered in isolation: we encourage a full review of the Status Report, mentioned above, to better understand the context and reasoning behind each of the recommendations. Nevertheless, our hope is that this document memorializes the strides NDOC has made in improving its accountability and transparency.

Status Update

Recommendation 1. Conduct more formal and regular audits of both southern and northern facilities.

Complete. Before retiring, Director Skolnik worked with NDOC's staff to establish a schedule for the auditing process. The current schedule, which covers the 2011 fiscal year, allowed time for the department's auditors to formally audit every facility at least once per year. The department also estimated costs for carrying out the new audit schedule, which were approved as part of the fiscal year's budget. Finally, the department updated Administrative Regulation 101, which governs audits, to secure plans to continue annual audits.

Recommendation 2. Create a formal follow-up process for problems identified during internal audits.

Complete. In addition to conducting annual audits of each facility, NDOC committed itself to developing a formal follow-up process to address any issues identified during audits. As part of the audit schedule mentioned above, NDOC audit staff developed a plan to conduct follow-up visits to facilities. These visits often coincide with initial audits of nearby facilities to cut down on staff time and travel costs. To date, the department has carried out several follow-up audits in accordance with its plan and updated AR 101 to reflect the changes in policy.

Recommendation 3. Improve tracking system for inmate grievances and generate regular reports.

In Progress. NDOC has made steady improvements in tracking inmate grievances since it adopted NOTIS, the system used by the department to gather operational data. When staff identified problems, such as a gap in recording some responses to grievances, they worked to resolve the issue. NDOC also entered negotiations with Syscon, the developers of NOTIS, to receive access to the source codes for the system so the department's information technology staff can make modifications to the system when glitches are identified. Repairs can be made more quickly by allowing internal staff to address them.

To complete this recommendation, NDOC should continue to monitor the operation of NOTIS and use its increased ability to structure the system to improve on any deficiencies in reporting. NDOC should also create regular reports on trends in inmate grievances, both by facility and system-wide. This can be done in conjunction with the efforts made to implement Recommendation 11, which concerns internal performance measures and data sharing (see below, page 7).

Recommendation 4. Resolve more inmate grievances at the facility level.

In Progress. NDOC made strides to ensure that certain inmate grievances are resolved at the facility level. Primarily, when the Inspector General's office receives a grievance alleging staff misconduct, they now ask facility wardens to conduct initial investigations into the claims. This process allows facts to be verified in a timelier manner and will help relieve some of the investigation backlog. Ultimately, the IG's office handles the full investigation into staff misconduct claims, as they are serious in nature, but allowing the facility managers to take on a preliminary investigatory role will help the department resolve grievances more quickly.

In addition to these steps, NDOC should work to train staff on the importance of inmate grievances and the ways they can be used to diffuse problems before they become systemic issues. These training efforts should focus on resolving grievances quickly and before they move up the chain of command.

Recommendation 5. Consider creating a citizens review board for the inmate grievance process.

Under Consideration. Vera conducted research into different options for creating a citizens review board for NDOC's inmate grievance process. As noted in Vera's Status Report, there are two promising models in other jurisdictions – Missouri and North Carolina. In speaking with former Director Skolnik, it is clear that Missouri's model is the most realistic for the department to adopt, as it is relatively inexpensive to run and does not require as much staff time.

Vera will provide all documentation received from the Missouri Department of Corrections to Director Cox per his request for more information. We encourage NDOC to continue considering the benefits of a citizens review board for potential implementation.

Recommendation 6. Implement a staff survey.

Complete. In response to this recommendation in Vera's Status Report, NDOC began administering surveys to staff members through a free online survey tool, SurveyMonkey.com. Using this technology, the department can target surveys to various groups of employees, including uniform staff, non-uniform staff, executive staff or all staff. Prior to this report, the department administered two surveys: one to all NDOC staff regarding priorities for the upcoming legislative session and another to all uniform staff regarding shifts. Director Cox used information from these surveys, in particular the fact that 64% of officers preferred a 12-hour shift, in testimony before legislators and to

potentially make internal changes. The survey results also prompted the department's plan to redesign its website to provide more useful information, for both staff and the public, in the coming months (also discussed below in Recommendation 16, page 9). The department plans to continue to solicit staff opinions and ideas through the survey process.

In the future, NDOC should consider developing a schedule for regular administration of surveys on topics of interest to staff and the administration. After gathering sufficient data, NDOC will be able to evaluate and adjust policies, as necessary, to address issues that surface.

Recommendation 7. Provide pro bono attorneys for inmates in the Inmate Early Mediation Program.

Under Consideration. In conversations between Vera and the magistrate judge who oversees the Inmate Early Mediation Program, it is clear that the courts believe it would be beneficial for inmates to have legal representation at mediations. However, NDOC administrators have some concerns about adopting this recommendation. While the department is in favor of any process that enhances the likelihood of resolving complaints before they reach the courts, it is wary of settling alleged frivolous claims and setting precedents that may expose the department to additional liability.

As the Early Mediation Program expands and serves more and more inmates, the department, in conjunction with the Attorney General's office, should continue to assess whether utilizing additional pro bono attorneys to represent prisoners will help in attaining the goals of the program, namely resolving more suits before they reach the trial level. The department can work with the magistrate judge to identify opportunities to recruit additional attorneys if deemed a necessary addition to the program.

Recommendation 8. Keep more investigations at the facility level.

In Progress. As noted in Vera's status report, NDOC worked to increase the number of investigations handled by facility-level staff. Specifically, NDOC revised Administrative Regulation 340 to reflect its commitment to ensuring investigations of lower-level offenses are not automatically handed to the Inspector General's office. NDOC administrators collaborated with the unions and top-level staff to create a system that addresses concerns about both the consistency amongst facilities and the large backlog that has plagued the IG's office for some time. At present, facility staff handle all investigations of Level 1 and 2 offenses and some Level 3 and 4 investigations. Whether the IG's office allows the facility to investigate mid-level offenses depends on a myriad of factors, including the history of the employee, staff members involved, and whether there were witnesses. Level 5 offense investigations are always conducted by the IG's office because of their seriousness. The IG's office oversees all investigations handled by

individual facilities and ensures that the investigators follow interviewing protocol and provide detailed information on standardized forms. The department also plans to revise Administrative Regulations 339 and 340 to reflect the changes, working with the employee associations to do so.

To complete this recommendation, the department should continue to monitor investigations and sanctions to ensure that those handled by facility staff are consistent across various facilities. If inconsistencies are identified, NDOC should reevaluate the policy, perhaps bringing more investigations back to the IG's office.

Recommendation 9. Provide all staff with additional training on NOTIS.

In Progress. As noted above in Recommendation 3, the department formed a relationship with Syscon, the developer of NOTIS, and negotiated access to particular elements of the system. During this process, Syscon agreed to provide additional training to NDOC staff, which will include pre-service and in-service training modules. Additionally, the department has an extensive manual, available to all internal staff, that provides training on many aspects of NOTIS. One concern among administrators is that not all internal staff are familiar with this manual or do not use it in their daily activities.

At the time of this report, NDOC administrators have plans to have the personnel division examine each job category in the department to determine what functions in NOTIS are necessary to enhance productivity. This will allow the department to consolidate trainings for those who need to develop similar skills. Once these needs are determined, NDOC should continue working with Syscon to develop a schedule for training on NOTIS, giving preference to those employees who use NOTIS on a regular basis or have job functions that require a more in-depth knowledge of the system. To fully complete this recommendation, NDOC should also make better use of existing resources, such as the manual mentioned above, ensuring all staff know of and have access to it.

Recommendation 10. Train select staff to run reports in NOTIS.

In Progress. Similar to the above recommendation, NDOC administrators recognized a need to allow certain staff the authority and ability to run reports that are relevant to their job functions in NOTIS. The hope among administrators is that once they receive the source codes to the system they will be able to develop the capability for staff to run unique reports.

Once the department has the appropriate source codes, NDOC can identify which staff members would benefit from being able to independently run reports in NOTIS, mainly those at a managerial level. This can be done in conjunction with efforts by the personnel department to identify the needs of various positions. Director Cox and his

staff are also in the process of identifying the appropriate staff to run these trainings, as it may be helpful to have staff with expertise in the relevant subject matter, not just the technical issues, to train others. IT and administrative staff can work together to develop a schedule of training sessions during which individuals that have similar needs can develop skills to independently run reports.

Recommendation 11. Set internal performance measures and formalize internal data sharing.

In Progress. The state legislature's budgetary process requires all agencies, including NDOC, to provide information on performance-based measures as part of its budget report. This information covers most of departmental operations, including general administration, the inspector general's office, inmate medical services, and safety and security. For example, the performance measurements for inmate medical services include medical cost per prisoner, outside medical costs per inmate and prescription drug cost per inmate. Tracking data in this way has helped the department begin to identify areas where it can be more efficient and where it can make improvements to better serve its staff and the prison population.

NDOC also recently began developing a group within the support services division that is tasked with determining what additional measures should be tracked, and set goals for those measures. The plan is to create a cohesive group that represents the various areas of departmental operations to develop a system to provide accurate data about important aspects of the department.

We encourage NDOC to continue moving toward full implementation by finalizing a list of important performance indicators it will measure and determining a way to share that data internally. Organizations like the Association of State Correctional Administrators provide resources about performance-based measures that may be useful when determining the appropriate list of measures. As NDOC begins to track all of this information, administrators should consider different models for data sharing and develop a schedule of internal meetings to present it.

Recommendation 12. Provide more information to Board of State Prison Commission members and in a timely manner.

Complete. For the past few meetings, NDOC provided Board members with more information about the items on meeting agendas. Specifically, NDOC puts together a detailed summary of the modifications being made to each administrative regulation before the Board for approval. This makes it easier for Board members and their staff to quickly identify questions or concerns they may have about changes in policy. The document is sent to the Board at least 15 days before the meeting. In addition, Director Cox has made an effort to meet individually with the Board members to inform them of issues the department faces and get their ideas on how to resolve them.

Recommendation 13. Clarify the role of the Board.

Under Consideration. NDOC administrators believe that the Board's reluctance to respond to issues raised by citizens at public meetings is well understood by attendees. However, there does seem to be some frustration among advocates with the way the Board handles their concerns. While we encourage the department to consider working with Board members to develop language that explicitly states the role of the Board, it may be that by carrying out the plans for Recommendation 14 (below), the public's concerns can be addressed directly by the department instead of through Board meetings.

Recommendation 14. Develop system for following up on concerns received at public meetings.

Almost Complete. At the national meeting for the Corrections Support and Accountability Project, NDOC staff met an inmate advocate who developed a robust collaborative relationship with the corrections director in another of Vera's partner jurisdictions. NDOC staff admired this relationship and, following that meeting, former Director Skolnik reached out to several inmate advocates in an attempt to develop a similar relationship with the advocate community in Nevada. Before leaving, the former director met several times with these advocates to discuss the possibility of formalizing such a relationship and creating a public forum for discussing concerns. At the first meeting, which took place on August 31, 2010, the representative advocates identified several areas where the department can begin improvements immediately, including making some changes to the department's website. Following the meeting, NDOC made those changes, which included clarifying the department's policies on visitation.

In months following this initial meeting, the selected advocates continued working with the former director and the two deputy directors, including current Director Cox. At the time of this report, there are plans for the representatives to meet with Director Cox and his staff at least once more before opening meetings to the public. Prior to the public meeting, the representatives will work with the other advocates to inform them of the structure of the meetings and develop strategies for making the discussions as effective as possible. The goal is to allow a forum for the public to express their concerns in a productive, solution-focused way. The current plan is to hold public meetings with the department on a quarterly basis. We encourage NDOC to continue with these plans to meet with and address the concerns of the advocate community.

Recommendation 15. Create an ombudsman to handle complaints by inmates, staff and the public.

Under Consideration. The former director and his staff were receptive to creating more avenues through which the department can build bridges with inmates, staff and the

public. One example of this is the current effort to develop open forums for communication with the advocate community (see Recommendation 14, above). However, at this time there are concerns about whether creating an additional state employee position in the form of an ombudsman is financially feasible. Director Cox has shown interest in examining examples from around the country to determine if some of the best practices from other jurisdictions are feasible in Nevada.

If NDOC decides to pursue this recommendation in the future, the department should use information provided by Vera about ombudsman models to determine how best to design the position to fit Nevada's needs. Primarily, the department will need to decide how to structure the role, including whether it will be housed internal to the department or in another government agency. If it should be housed externally, the department needs to identify the appropriate state agency to house the ombudsman and will need to gain support from key staff in that office. Another consideration is the extent of the ombudsman's jurisdiction and whether it will focus only on the department or will extend to other state government functions, perhaps probation and parole. Finally, the department will need to identify funding for the new ombudsman's office. If necessary, NDOC may consider the possibility of a volunteer ombudsman, but that should only be a temporary solution while the state is under stringent budget constraints.

Recommendation 16. Make certain reports and evaluations available to the public.

Complete. As noted in Vera's status report, NDOC has published certain information on its website for some time, including its monthly population reports (dating back to 2006), annual statistical abstracts for each fiscal year (dating back to the 2005 fiscal year) and population projections. After receiving Vera's recommendations, the department began posting additional reports and information on its website, including the report it provided to the Board regarding its plan to close the Nevada State Prison and Vera's Status Report, and made legislatively approved budgets available on the homepage of its website. Also, as mentioned above, the department has plans to modify its website. The new version will include more information about policies and procedures with the intention of better educating departmental staff and the public. It also hopes to create more of an interactive website where visitors can share information with the department. NDOC staff are currently looking at websites in other jurisdictions to act as models for the upgrade. We encourage the department to continue making these improvements.

Recommendation 17. Develop a publicly-available data dashboard.

Under Consideration. As mentioned above, NDOC does a commendable job of consistently posting thorough information regarding its population on its website. These reports provide data on population by facility, projected populations, admissions and

releases, and inmate days by facility. While this information is helpful, a great deal of the other data the department collects may be of interest to the public.

Much of the work needed to accomplish this recommendation can be done in conjunction with efforts to satisfy Recommendation 11 (above at page 7). As noted in the discussion of that recommendation, NDOC already collects some data on performance measures and has taken steps to create a more comprehensive list of information to track. As part of that effort, we recommend that NDOC take into consideration what the public wants to know as well as what knowledge the department believes will be beneficial to the public. Some data that may be of interest are cost per inmate per day, average lengths of stay, percentage of incarcerated youth, and information on critical incidents. Once the department develops performance measures for internal purposes, sharing aggregate data about the inmate population and departmental operations will be less burdensome and costly. However, the department will need to designate a staff person to ensure the information is made publicly available in an interactive and clear way.

Recommendation 18. Create a dedicated Public Information Officer position.

In Progress. NDOC administrators have identified a need for someone to handle the responsibilities of communicating with the public and media. While the department is not in the financial position to hire a full-time employee to handle the responsibilities of a Public Information Officer, Director Cox recently appointed a current employee to take over this role on a part-time basis. The new acting PIO has both knowledge of prison operations and experience working with the media.

Ideally, the department will be able to create a full-time PIO position in the future. As mentioned above, the biggest challenge for NDOC in its efforts to do this is funding.

Conclusion

The Nevada Department of Corrections, Director Cox, former Director Skolnik, and NDOC staff were committed partners in Vera's Corrections Support and Accountability Project, and we commend them for their efforts to improve the accountability and transparency of prison operations. We are particularly pleased to see the efforts the department is making to create a structured and productive forum for dialogue between the department's leadership and the advocate community. We strongly encourage NDOC to continue this relationship with the advocates and are optimistic that this can resolve some of the tensions that exist with the community. While we understand that some of the recommendations regarding increased accountability around inmate complaints, such as an ombudsman or citizen review panel for grievances, can be both costly and time-consuming, we continue to believe that this type of organized independent oversight provides numerous benefits, such as an opportunity to proactively identify and diffuse problems before they lead to costly litigation. Further, improving the transparency of the

department by implementing recommendations involving the publicly available dashboard and a permanent public information officer can provide an avenue for educating the community about the realities of prison operations, which can lead to greater support for resources. With the conclusion of the Corrections Support and Accountability Project, we hope that the new departmental administration will continue to consider these important recommendations as well as keep working on those in progress.

Appendix A

Action Items

Recommendation 3. Improve tracking system for inmate grievances and generate regular reports.

- Monitor NOTIS operations and make improvements to system as needed.
- Generate regular reports on trends in inmate grievances.

Recommendation 4. Resolve more inmate grievances at the facility level.

- Expand training for staff on the inmate grievance procedure.

Recommendation 5. Consider creating a citizens review board for the inmate grievance process.

- Review information sent by Vera regarding Missouri's citizens review board and continue to consider adopting a similar model in Nevada.

Recommendation 7. Provide pro bono attorneys for inmates in the Inmate Early Mediation Program.

- In conjunction with the Attorney General's Office, continue assessment of whether the Early Mediation Program will benefit from the addition of pro bono attorneys to represent prisoners.

Recommendation 8. Keep more investigations at the facility level.

- Continue monitoring investigations to ensure consistency among facilities.

Recommendation 9. Provide all staff with additional training on NOTIS.

- Complete efforts to identify training needs among staff and design training module to address them.
- Incorporate more specific information about NOTIS operations into new employee training sessions.
- Ensure that all employees know of and can access the NOTIS manual.

Recommendation 10. Train select staff to run reports in NOTIS.

- Identify staff whose jobs require the need to run NOTIS reports on a regular basis and institute training schedule.
- Identify proper staff to run trainings.

Recommendation 11. Set internal performance measures and formalize internal data sharing.

- Continue efforts to convene a group of staff members to develop a list of data to be measured and set internal goals.
- Develop schedule for compiling and sharing data internally.

Recommendation 13. Clarify the role of the Board.

- Continue to consider working with the Board to develop language that accurately conveys the Board's role in responding to citizen complaints.

Recommendation 14. Develop system for following up on concerns received at public meetings.

- Continue work with advocates to prepare for public meetings.
- Convene meetings with the advocate community on a quarterly basis.

Recommendation 15. Create an ombudsman to handle complaints by inmates, staff and the public.

- Review information provided by Vera and continue to consider the feasibility of developing an ombudsman's office, keeping in mind funding opportunities and placement logistics.

Recommendation 17. Develop a publicly-available data dashboard.

- Along with efforts to complete Recommendation 11, determine what information and performances measures to share with the public.
- Continue efforts to improve the department's website and incorporate the dashboard into the improved site.

Recommendation 18. Create a dedicated Public Information Officer position.

- Continue to work to identify funding for a full-time PIO position.